

ORDINANCE NO. 22-04

AN ORDINANCE TO AMEND THE MILLVILLE TOWN CODE RELATING TO CHAPTER 48, ENTITLED "BUILDING CONSTRUCTION."

WHEREAS, the Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

WHEREAS, the Town Council has adopted an Ordinance regulating building construction for the municipality, codified as Chapter 48 of the Town of Millville Code;

BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring in Council duly met, that an ordinance codified in Chapter 48 of the Town of Millville Code, entitled "Building Construction" is hereby amended, and that the following language hereby be adopted and incorporated into the Town of Millville Code with **additions shown in black bold and underlined** and **deletions in black bold and strikethrough** as follows:

§ 48-1. Adoption of standards; exemptions.

A. The International Building Code (hereinafter "IBC"), Chapters 1 through 26 and Chapter 35, ~~2012~~ **2021** Edition and future editions, is adopted as the building standard(s) for construction in the Town of Millville, as adopted by the Town Council, as it relates to the following structures: multifamily residential dwellings, assembly occupancy, business occupancy, educational occupancy, hazardous occupancy, factory occupancy, industrial occupancy, institutional occupancy, mercantile occupancy and storage occupancy.

B. IBC exemptions.

(1) "Farm buildings," defined as any nonresidential structures, that are located on a farm and are used in the farming operation (barns, sheds, poultry houses, swine houses, etc.), are exempt from the provisions of the IBC as regards construction, alteration or repair. Any reference to "farm buildings" in any chapter, section, paragraph, appendix or table in the IBC shall not be applicable.

(2) Land used for agricultural purposes shall be exempt from the provisions of the IBC as regards construction, alteration or repair. Land shall be deemed to be in agricultural use when devoted to the production for sale of plants and animals useful to man, including but not limited to forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; or when

devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government (9 Del. C. § 8330; 56 Del. Laws, c. 373, § 1).

(3) The obtaining of building permits for assessment purposes continues to remain in effect.

(4) Where the provisions of the IBC and the provisions of the Town of Millville Code conflict, the provisions contained in the Town of Millville Code shall control.

C. The provisions and regulations of the International Residential Code (hereinafter "IRC"), ~~2012~~ **2021** Edition and future editions, as adopted by the Town Council, as they relate to one-family and multifamily dwellings are hereby adopted as the building standards for construction in the Town of Millville.

D. IRC exemptions:

(1) ~~Landings. A landing is not required in the exterior of a sliding door.~~

~~(2)~~ Automatic fire sprinkler systems. IRC § R313, Automatic Fire Sprinkler Systems, shall be exempted from one- and two-family dwellings and townhouses, **provided the dwelling is no taller than two stories.**

~~(3)~~ **(2)** Footings and foundation and retaining walls. Notwithstanding the provisions of Chapter 4 of the IRC to the contrary, the following shall be the minimum requirement for footings and for foundation and retaining walls:

(a) Footings shall be at least the minimum width and depth per the IRC, with a frost depth of 24 inches.

(b) Two No. 4 rebar shall be placed within the entire footing cavity and placed in the middle one-third of the footing.

(c) Poured concrete walls less than four feet in height require one No. 4 vertical rebar at least every eight feet and one No. 4 horizontal rebar in the entire top one-third of the wall.

(d) Poured concrete walls from four feet to six feet in height require one No. 4 vertical rebar at least every six feet, two No. 4 horizontal rebar, with one in the top one-third and the other in the bottom one-third, for the entire wall.

~~(4)~~ **(3)** Where the provisions of the IRC and the provisions of the Town of Millville Code conflict, the provisions contained in the Town of Millville Code shall control.

BE IT FURTHER ORDAINED that this Ordinance shall take effect on January 1, 2023.

SYNOPSIS

This Ordinance amends the Town Code to update the Town's adoption and incorporation by reference of the International Building Code and the International Residential Code from the 2012 editions to the 2021 editions. The Ordinance also limits the exemption from automatic fire sprinkler systems to one- and two-family dwellings and townhouses that are two stories or less.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS _____ DAY OF _____, 2022, AT AN OPEN MEETING HELD AT TOWN HALL IN THE TOWN OF MILLVILLE.

SEAL:

MAYOR

ATTEST:

SECRETARY